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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,064	12/27/2001	James M. Foley	40655.3400	3303
66170 7590 04/06/2010 Snell & Wilmer L.L.P. (AMEX) ONE ARIZONA CENTER 400 E. VAN BUREN STREET PHOENIX, AZ 85004-2202				
EXAMINER PYZOCHA, MICHAEL J				
ART UNIT 2437		PAPER NUMBER		
NOTIFICATION DATE 04/06/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/035,064

**Applicant(s)**

FOLEY ET AL.

**Examiner**

MICHAEL PYZOCHA

**Art Unit**

2437

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7, 14, 15, 19-22 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 14, 15, 19-22 and 27-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/12/2010 has been entered.
2. Claims 1-7, 14, 15, 19-22 and 27-32 are pending.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 14 and 15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 14 and 15 relate to a tangible computer readable storage media containing instructions. Based on the guidance provided in the Official Gazette 1351 OG 212 these claims can still be considered non-statutory. It is recommended to include the limitation "non-transitory" to the claim to overcome this rejection.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 14, 19, 20 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barron (US 6665709) in view of Adduci, Jr. et al. (US 7343334) (herein after Adduci) in view of Novoa et al. (US 6636973)(herein after Novoa) and further in view of Wilson (US 20010054101).

As per claims 1, 14, 19 and 27, Barron discloses configuring at least one method of authentication for accessing a restricted service: receiving, over a communication network, a request for access to at least one of a first and second restricted services; causing, using a microprocessor, a user interface to display input fields corresponding to the first method of authentication if the request is associated with a first authentication method (see column 5 lines 5-18 where requesting data to be encrypted is the first restricted service and presenting the password is the first authentication method); causing, using the microprocessor, the user interface to display input fields corresponding to the second method of authentication if the request is associated with the second authentication method (see column 5 line 62 through column 6 line 5 where biometric is the second method of authentication) granting, using the microprocessor, access to the first restricted service upon receiving predetermined input associated with the first or second method of authentication; and granting, using the microprocessor, access to the first or second restricted service upon receiving predetermined input associated with the second method of authentication (see column 5 lines 5-18 and column 5 line 62 through column 6 line 24).

Barron fails to disclose how the different methods are chosen to be displayed or storing in a database the selections associated with an account of the user.

However, Adduci teaches requiring different authentication to gain access to different resources associated with a user account thereby teaching the claimed limitations: receiving, from a user, a selection of a first method of authentication from a method of authentication presented by a restricted service provider, to be required for access to a first restricted service provided by the restricted service provider, the first restricted service being associated with an account of the user; storing, in a database, method of authentication in association with the first restricted service and the account of the user; receiving, from the user via the communication network, a selection of a second method of authentication, from the plurality of methods of authentication, to be required for access to a second restricted service provided by the restricted service provider, the second restricted service being associated with the account of the user (see column 16 line 54 through column 17 line 56 where a user must have set which content requires a first password and which content requires an additional second password, i.e. selecting a first and second method of authentication to be required for access to a first and second restricted service, and each password is saved and compared which means the information must be stored in a database for such a comparison to occur).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to allow the selection of different authentication requirements in the Barron system.

Motivation to do so would have been to allow for allocation of different levels of security to different portions of the system (see Adduci column 16 lines 54-64).

The modified Barron and Adduci system fails to explicitly disclose selecting access control by use of different methods of access control (as Adduci teaches only the single type of authentication of passwords).

However, Novoa teaches selectively assigning different types of authentication (see column 9 lines 31-38 where a user can be required to use either passwords or biometrics to gain access).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use different methods of authentication in the modified Barron and Adduci system.

Motivation to do so would have been to allow certain users the ability to not have to remember and enter a password (see Novoa column 9 lines 31-38).

The modified Barron, Adduci and Novoa system teaches assigning different access control (i.e. authentication) methods but fails to explicitly disclose having a user select the authentication mode from a plurality of authentication.

However, Wilson teaches a user selecting an authentication method from a plurality of authentication methods (see paragraph [0134]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to allow a user to select from the plurality of authentication methods available in the modified Barron, Adduci and Novoa system.

Motivation, as recognized by one of ordinary skill in the art, to do so would have been to allow user flexibility in the system.

As per claims 2 and 20, the modified Barron, Adduci, Novoa and Wilson system discloses, the plurality of methods of authentication includes at least one of: user identification and password; user identification and pass-phrase; smart card and PIN; smart card and digital certificate; biometrics; sound verification; radio frequency and password; infrared and password; and handheld computing device and digital certificate (see Barron column 5 lines 5-18 and Novoa column 9 lines 31-38).

As per claim 3, the modified Barron, Adduci, Novoa and Wilson system discloses receiving, over the communication network, a selection of more than one method of authentication from the plurality of methods of authentication, to be required for access to the first restricted service (see Adduci column 16 line 54 through column 17 line 56 where to gain access a first password and a second password must be correctly entered).

As per claim 4, the modified Barron, Adduci, Novoa and Wilson system discloses registering at least one of first and second methods of authentication as a minimum level of security required for access to at least one of the first and second restricted services (see Adduci column 16 line 54 through column 17 line 56 where the first password is a minimum to gain access to a portion of the resource).

7. Claims 5-7, 15, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Barron, Adduci, Novoa and Wilson system as applied to

claims 1, 14 and 19 above, and further in view of Meffert et al. (US 20020059144)(herein after Meffert).

As per claims 5, 15 and 21, the modified Barron, Adduci, Novoa and Wilson system as applied above teaches the substantially similar limitations as put above with respect to claims 1, 14 and 19 where the different authentication requirements equate to the different security levels of the present claims. The modified Barron, Adduci and Novoa system fails to explicitly disclose presenting a query dialog box to a user for selecting a level of security.

However, Meffert teaches the use of a dialog box for selecting a level of security (see paragraph [0048] and FIG. 3).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use a dialog box to select the level of security in the modified Barron, Adduci, Novoa and Wilson system.

Motivation, as recognized by one of ordinary skill in the art, to do so would have been that dialog boxes are common, easy to implement and easy for the user to interact.

As per claims 6 and 22, the modified Barron, Adduci, Novoa Wilson and Meffert system discloses, the plurality of methods of authentication includes at least one of: user identification and password; user identification and pass-phrase; smart card and PIN; smart card and digital certificate; biometrics; sound verification; radio frequency and password; infrared and password; and handheld computing device and digital certificate (see Barron column 5 lines 5-18 and Novoa column 9 lines 31-38).

As per claim 7, the modified Barron, Adduci, Novoa, Wilson and Meffert system discloses receiving, over the communication network, a selection of more than one method of authentication from the plurality of methods of authentication, to be required for access to the first restricted service (see Adduci column 16 line 54 through column 17 line 56 where to gain access a first password and a second password must be correctly entered).

8. Claims 28, 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Barron, Adduci, Novoa and Wilson system as applied to claim 1 above, and further in view of Caronni et al. (US 7336790)(herein after Caronni).

As per claims 28, 29 and 32, the modified Barron, Adduci, Novoa and Wilson system fails to explicitly disclose restricting a method of authentication to specific times of the day, specific locations and to specific groups.

However, Caronni teaches restricting authentication for specific times of the day, specific locations and specific groups (see column 6 lines 24-38).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to restrict the authentication methods of the modified Barron, Adduci, Novoa and Wilson system.

Motivation to do so would have been to provide flexibility in its configuration (see Caronni column 6 lines 24-25).

9. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Barron, Adduci, Novoa and Wilson system as applied to claim 1 above, and further in view of Boebert et al. (US 6772332)(herein after Boebert).

As per claims 30 and 31, the modified Barron, Adduci, Novoa and Wilson system fails to explicitly disclose restricting the authentication to specific periods of high security alerts and to specific days.

However, Boebert teaches such restriction (see column 30 lines 50-67 where the official data is an alert of high security).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to restrict the authentication methods of the modified Barron, Adduci, Novoa and Wilson system.

Motivation, as recognized by one of ordinary skill in the art, to do so would have been to provide flexibility to the system.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nakajima, Amdur, Bianco, and Dickenson teach methods relating to selecting and restricting authentication methods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PYZOSKA whose telephone number is (571)272-3875. The examiner can normally be reached on Monday-Thursday, 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Pyzocha/  
Primary Examiner, Art Unit 2437